



Appeal Decision

Site visit made on 25 July 2024

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/V2635/W/24/3337453

The Firs, 68 School Road, Runcton Holme, Norfolk PE33 0AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Clarke against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00327/OM.
 - The development proposed is: Construction of up to 9 dwellings with garages. Proposed new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with matters of access for consideration at this point and appearance, landscaping, layout and scale details reserved for future consideration. I have therefore taken the drawings into account insofar as they relate to access and otherwise treated them as illustrative.
3. In an attempt to overcome some of the Council's concerns regarding the scheme, a Unilateral Undertaking (UU) has been submitted. The Council has had an opportunity to comment on it, so I have taken it into account.
4. The National Planning Policy Framework (Framework) has been revised since the planning application was determined. However, as the appellant and the Council have been able to comment on any alleged implications of this during the appeal process, I have not sought further views about this matter.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for housing, having regard to the Council's spatial strategy;
 - the effect of the proposal on the character and appearance of the site and the surrounding area;
 - whether the proposal would make satisfactory provision for affordable housing; and
 - whether the proposal would provide a satisfactory standard of accommodation, and its effect on the continued operation of adjacent community facilities, with regard to noise and odour.

Reasons

Location

6. The site wraps around a residential property and includes a vehicular access onto School Road. The front part of the site is characterised by block paved and gravelled surfaces and a single storey building. The rest of the site principally includes mown grass and serviced pitches accessed via gravelled tracks. Fittingly, the application form describes it as a camping site.
7. Extant planning permission¹ exists at the site for a scheme including 11 permanent cabins and the siting of 35 touring caravans/tents, though it is not up and running. Additionally, while it is common ground that at least part of the site is in Class C3², it is also undisputed that the occupation of the site as permitted is restricted to holiday use. In contrast, the proposal is for up to 9 dwellings without such a restriction. The existing use and the permitted and proposed schemes are therefore not directly comparable, and the implications in terms of the Council's spatial strategy differ.
8. Policy CS02 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (CS) identifies Runcton Holme as a 'rural village', wherein limited minor development will be permitted which meets the needs of settlements and helps to sustain existing services. The site is near to but outside the development boundary of Runcton Holme and so is in the countryside.
9. Policy DM2 of the Site Allocations and Development Management Policies Plan (DM) makes clear that development in the countryside will be limited to that identified as suitable in rural areas by other policies. It gives several examples in that regard, but none of those are applicable to the scheme. Moreover, no other policies are put forward to support the suitability of the site's location for housing in principle. Conversely, DM policy DM2 and CS policy CS10 are supportive of tourist accommodation in rural areas, such as that permitted.
10. Accordingly, the site is not a suitable location for housing, having regard to the Council's spatial strategy. The proposal conflicts with DM policy DM2, the purposes of which are identified above. The Council has also referred to CS policies CS01, CS06 and CS08 in respect of this main issue. However, these policies, as well as CS policy CS02, do not indicate against the scheme outright, but require the effects of the proposal on the character and appearance of the site and the surrounding area to be considered. DM policy DM1 has also been raised, but I find no direct conflict with it, as its purpose is largely to echo Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework's presumption in favour of sustainable development.

Character and appearance

11. The site is predominantly enclosed by trees and vegetation at its boundaries. Allotments are located on the western side of the site. A set back, single storey social club building and an associated parking area, playing fields, playground and bowling green are present on the site's eastern side. A newly constructed housing development extends along School Road from the development boundary to roughly opposite the site's access. A row of houses and a primary

¹ Council reference: 10/00327/FM; Appeal reference: APP/V2635/Q/18/3218994

² Class C of Part C, Schedule 1 of the Town and Country Planning (Use Classes) Order 1987

school are located beyond the bowling green but the land near the site is otherwise characterised by open fields, including prominent ones adjacent to the allotments and the new housing.

12. The contiguous row of housing leading out of, and the proximity of the community facilities to, the built-up part of Runcton Holme provide a loose, edge of settlement feel to the part of the road in the vicinity of the site. Nevertheless, the prominence of the fields also provides the area with a prevailingly rural character. The spaciousness of the site, social club land and allotments, and the limited presence of built form thereon when viewed from the road, together with the linear pattern of housing, contribute positively to this character, despite the containment provided by landscaping.
13. Although the size, layout and design of the scheme is yet to be finalised, the evidence indicates that it will comprise 2 storey, detached houses with 4 or more bedrooms, and garages. While this sort of property could be designed to reflect the appearance of others nearby, to accommodate 9 or a similar amount of those houses on the site, and given the site's shape, the illustrative drawings suggest that a cul-de-sac perpendicular to School Road would need to be created. This would be a comparatively sub-urban form of development compared to the linear pattern of housing outside the settlement. Further, the houses would be visible from the road near the access and in filtered views behind trees and vegetation, particularly in winter months. The housing would be similarly visible from the allotments and the social club land. New planting would not address this sufficiently. Consequently, the proposal would respect neither the edge of settlement nor rural qualities of the area.
14. Based on the information provided, the proposed houses would be bigger, taller, spread across a larger proportion of the site and so be more visible than the permitted cabins. Additionally, while a large number of caravans and tents could be sited on the land continuously throughout the year, these would also be smaller and thus less visible from outside the site. Moreover, camp sites, and therefore caravans and tents, are often located within rural locations and generally held to be compatible with the character and appearance of countryside. As such, the permitted scheme does not affect my findings.
15. I conclude that the proposal would harm the character and appearance of the site and the surrounding area. It conflicts with CS policies CS01, CS02, CS06, CS08 and CS12 and DM policy DM15, which set out that development should respond sensitively and sympathetically to local setting and distinctiveness, and seek to protect the countryside for its intrinsic character and beauty. The Council has also referred to DM policy DM2, but it is more relevant to the spatial strategy than character and appearance matters, so I find no conflict with it in respect of this main issue.

Affordable housing

16. Policy CS09 of the CS requires 20 percent of the scheme to be secured as affordable housing. It is undisputed that the policy requires 1.8 affordable housing units to be provided, and that this should take the form of a dwelling for affordable rent on site plus a commuted sum of £48,000 towards affordable housing elsewhere. I have no compelling reasons to disagree. The appellant's statement indicates that the UU would secure this. However, it makes no provision for the delivery of affordable housing. Additionally, there are further effectiveness issues insofar as it is undated and does not specify the planning

application to which it relates. I can therefore have no certainty that affordable housing would be delivered and consequently conclude that the proposal conflicts with CS policy CS09.

Noise and odour

17. The aforementioned social club building, playing fields and parking area are located close to the site's side boundary. Outdoor seating, a smoking shelter and a recycling point are also nearby. The playground is further away.
18. The social club currently operates a limited number of activities such as bingo and coffee mornings. However, the scope for activities at social clubs generally varies widely and there is nothing before me to suggest there are restrictions meaning this one is any different. Moreover, I noted from my visit that it is for hire for social functions such as weddings and parties. Additionally, no operating hour restrictions apply. Nevertheless, the likelihood of the social club running highly noisy or odorous activities frequently, or early in the morning or late at night, is limited by the size of the building. The parking of vehicles, playing of sports, and the use of playgrounds and recycling points are not activities that typically generate high levels of noise or odour. Additionally, smokers are more likely to congregate in the shelter in inclement weather when the occupiers of the proposed houses are less likely to be outside.
19. In any case, I see no reason why the development could not be subject to mitigation measures to prevent unacceptable levels of noise and odour. There is sufficient prospect for appropriate details to come forward as part of a planning condition. The continued operation of the community facilities would not be threatened as a result of such controls.
20. The proposal would not therefore give rise to unacceptable impacts relating to noise or odour. In this respect I find no conflict with DM policy DM15, which sets out that development that has a significant adverse impact on amenity will be refused.

Other Matters

21. Whilst Runcton Holme is a small village, the site is relatively accessible as it is near community facilities, and the school is purportedly seeking new students. The appellant also highlights that the site is suitably located within the Downham Market to King's Lynn growth corridor. The contribution of up to 9 dwellings towards the district's supply of housing in such a location would therefore be beneficial. The proposal would also align with paragraph 83 of the Framework insofar as it would enhance and maintain the vitality of Runcton Holme through the occupiers of the dwellings engaging with the local economy and community. There would also be economic benefits associated with the construction process. Additionally, it is not disputed that the site is previously developed land, where redevelopment is supported by the Framework. Nevertheless, due to the small amount of housing proposed, the benefits arising from the scheme in these respects would be limited.
22. It has been put forward that the proposal would have a lesser impact on the amenity of neighbours, generate fewer vehicle movements and therefore be safer, and disrupt the tranquillity of the area less than the permitted scheme. While the environmental impacts from vehicle movements would likely be lower for the proposal, there is nothing before me which suggests that the permitted

scheme would be unacceptably harmful in these regards. Accordingly, these matters attract limited weight.

23. The site is reportedly within the zones of influence of habitats sites as defined by Annex 2 of the Framework. If I had intended to grant permission, I would have needed to have considered whether the development would adversely affect the integrity of the habitats sites. However, even if there would be no adverse effects, this would constitute a neutral consideration rather than a benefit weighing in favour of the scheme.
24. The Initial Biodiversity Report indicates that the site may be suitable for protected and important species. Circular 06/2005³ makes clear that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before permission is granted. The use of conditions to require mitigation in the absence of surveying would be inappropriate because such measures may not satisfactorily address any harm that may occur. Additionally, part of the site is in flood zone 3, which would indicatively feature a garage, parking, hardstanding and garden associated with a proposed dwelling. It is also purportedly at some risk of surface water flooding. The Framework explains that development should not be permitted if there are reasonably available sites appropriate for development in areas with a lower risk of flooding. This is applicable where any part of a site is at risk of flooding. If I had been minded to allow the appeal, I would have needed to have sought further views on these matters.

Conclusion

25. The benefits of the development identified above attract limited weight in favour of granting permission overall. Although I consider the harm arising from the conflict with the Council's spatial strategy to be limited insofar as the site is in an accessible location close to a settlement, the benefits of the development are insufficient to outweigh the totality of the issues identified above and the consequent conflicts with the development plan.
26. I conclude that the proposal is contrary to the development plan taken as a whole. The material considerations identified do not outweigh the conflict, or thus indicate that a decision should be taken other than in accordance with, the development plan.
27. The appeal should therefore be dismissed.

Mark Philpott

INSPECTOR

³ ODPM Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System